

ORIGINAL

FILED

AUG 08 2013

6 GLEK  
UNITED STATES BANKRUPTCY COURT  
SAN JOSE, CALIFORNIA

1 Monica Montalvan, General Manager  
2 MONTALVAN'S SALES, INC.  
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4 Hayward, CA 94544  
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6 UNITED STATES BANKRUPTCY COURT  
7 NORTHERN DISTRICT OF CALIFORNIA  
8 SAN JOSE DIVISION

9

10 Case No.: 13-53893-ASW

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Chapter 11

12

MI PUEBLO SAN JOSE, INC.,

13

Debtor.

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**APPLICATION OF MONTALVAN'S SALES, INC.  
FOR ALLOWANCE AND PAYMENT OF  
CHAPTER 11 ADMINISTRATIVE EXPENSES  
UNDER BANKRUPTCY CODE §503(B)(9)**

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16 1. Montalvan's Sales, Inc. ("MSI"), was a supplier of goods to Mi Pueblo San Jose Inc. ("Debtor") prior  
17 to the commencement of Debtor's bankruptcy proceedings.

18 2. On July 22, 2013 (the "Petition Date"), Debtor commenced the above-captioned case by filing a  
19 voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §§101 *et. seq.* (the  
20 "Code").

21 3. Prior to the Petition Date, MSI supplied goods to Debtor on an open account.

22 4. Pursuant to code §§503(b)(9), administrative expenses "shall be allowed" for "the value of any goods  
23 received by the debtor within 20 days before the date of commencement of a case under this title which the goods  
24 have been sold to the debtor in the ordinary course of such debtor's business."

25 5. The aggregate value of the goods that in the ordinary course of business were sold to and received by  
26 Debtor within 20 days prior to Petition Date is \$13,105.74.

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a. An "Invoice and Credit Memo Register" supporting the goods delivered to the Debtor and the amounts owed thereunder are attached hereto as Exhibit "A".

6. MSI has not been paid any of the amounts set forth in Exhibit "A".

7. By this Request, and pursuant to Code §§503(b)(9), MSI seeks allowance of a Chapter 11 administrative expense claim in the amount of \$13,105.74, to be paid pursuant to the provisions of the Code and any orders entered by the court authorizing payment of §§503(b)(9) claims.

WHEREFORE, MSI, asks this Court to enter an Order (A) allowing MSI a Chapter 11 administrative expense claim in the amount of \$13,105.74; (B) ordering the Debtor to pay such allowed administrative expense immediately as an undisputed claim pursuant to the provisions of the Code and the orders entered by this Court governing distributions, and (C) granting MSI such other and further relief as this Court deems appropriate.

RESPECTFULLY SUBMITTED this 8 day of August, 2013.

Monica U. Montalvan, General Manager  
MONTALVAN'S SALES, INC.  
30502 San Antonio Street  
Hayward, CA 94544

Monica Montalvan  
Monica Montalvan



## **Exhibit “A”**

**MONTALVAN'S SALES, INC., Hayward, CA**  
**Invoice and Credit Memo Register**  
**For the Period From Jul 1, 2013 to Jul 21, 2013**

<b>Name</b>	<b>Invoice</b>	<b>Delivery</b>	<b>Amount</b>		
	<b>Date</b>	<b>Date</b>	<b>Invoice/CM #</b>	<b>Amount</b>	<b>Remainig</b>
MI PUEBLO FOODS #16 - BELLAM	7/3/13	7/3/13	47831	156.00	156.00
330 BELLAM BLV.	7/3/13	7/3/13	47832	123.00	123.00
SAN RAFAEL	7/3/13	7/3/13	47833	396.94	396.94
	7/10/13	7/10/13	47964	332.11	332.11
	7/10/13	7/10/13	47965	207.59	207.59
	7/17/13	7/17/13	48175	196.80	196.80
	7/17/13	7/17/13	48176	199.26	199.26
	7/17/13	7/17/13	48177	206.38	206.38
				<b>1,818.08</b>	<b>1,818.08</b>
MI PUEBLO #17 - ATWATER	7/8/13	7/8/13	47904	136.28	136.28
351 BELLEVUE RD.	7/8/13	7/8/13	47905	85.80	85.80
ATWATER				<b>222.08</b>	<b>222.08</b>
MI PUEBLO #1 -HESPERIAN	7/1/13	7/1/13	47765	290.93	290.93
20812 HESPERIAN BLVD.	7/1/13	7/1/13	47766	180.25	180.25
HAYWARD	7/5/13	7/5/13	47864	98.40	98.40
	7/11/13	7/11/13	48003	123.00	123.00
	7/15/13	7/15/13	48098	294.95	294.95
	7/18/13	7/18/13	48234	98.40	98.40
				<b>1,085.93</b>	<b>1,085.93</b>
MI PUEBLO #19 -NEWARK	7/3/13	7/3/13	47858	49.20	49.20
35153 NEWARK BLVD.	7/10/13	7/10/13	47981	73.80	73.80
NEWARK	7/11/13	7/11/13	48008	106.50	106.50
	7/11/13	7/11/13	48009	46.20	46.20
	7/18/13	7/18/13	48236	53.10	53.10
	7/18/13	7/18/13	48239	99.66	99.66
				<b>428.46</b>	<b>428.46</b>
MI PUEBLO #10 - HIGH ST.	7/3/13	7/3/13	CM8465	-4.85	-4.85
1630 HIGH ST.	7/5/13	7/5/13	47886	197.90	197.90
OAKLAND	7/5/13	7/5/13	47887	172.20	172.20
	7/5/13	7/5/13	47889	394.86	394.86
	7/10/13	7/10/13	CM8486	-17.25	-17.25
	7/11/13	7/11/13	48004	172.20	172.20
	7/11/13	7/11/13	48005	261.95	261.95
	7/11/13	7/11/13	48006	437.42	437.42
	7/17/13	7/17/13	CM8526	-1.50	-1.50
	7/18/13	7/18/13	48248	285.95	285.95
	7/18/13	7/18/13	48249	123.00	123.00
	7/18/13	7/18/13	48250	391.43	391.43
	7/18/13	7/18/13	48260	262.80	262.80
				<b>2,676.11</b>	<b>2,676.11</b>

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MI PUEBLO #7 - RAILROAD	7/5/13	7/5/13	47878	169.47	169.47
2100 RAILROAD AVE	7/5/13	7/5/13	47879	147.60	147.60
PITTSBURG	7/5/13	7/5/13	47880	308.15	308.15
	7/11/13	7/11/13	48034	118.50	118.50
	7/11/13	7/11/13	48033	98.40	98.40
	7/11/13	7/11/13	48032	72.60	72.60
	7/18/13	7/18/13	48227	98.40	98.40
	7/18/13	7/18/13	48228	383.12	383.12
	7/18/13	7/18/13	48230	130.84	130.84
				<b>1,527.08</b>	<b>1,527.08</b>
MI PUEBLO#12 - CAPITOL	7/3/13	7/3/13	47846	147.60	147.60
320 N. CAPITOL AVE.	7/10/13	7/10/13	47979	73.80	73.80
SAN JOSE	7/10/13	7/10/13	47977	229.26	229.26
	7/16/13	7/16/13	CM8516	-34.20	-34.20
	7/17/13	7/17/13	48183	73.80	73.80
	7/17/13	7/17/13	48184	53.40	53.40
	7/17/13	7/17/13	48185	99.22	99.22
				<b>642.88</b>	<b>642.88</b>
MI PUEBLO #22- S. WHITE	7/3/13	7/3/13	47845	98.40	98.40
1070 WHITE RD	7/10/13	7/10/13	47978	46.20	46.20
SAN JOSE	7/10/13	7/10/13	47980	193.80	193.80
	7/17/13	7/17/13	48187	230.52	230.52
	7/17/13	7/17/13	48189	98.40	98.40
				<b>667.32</b>	<b>667.32</b>
MI PUEBLO #14 SEASIDE	7/1/13	7/1/13	47760	295.20	295.20
1712 FREMONT BLVD	7/1/13	7/1/13	47761	176.92	176.92
SEASIDE	7/15/13	7/15/13	48110	175.20	175.20
				<b>647.32</b>	<b>647.32</b>
MI PUEBLO- #20 GILROY	7/8/13	7/8/13	47913	123.00	123.00
727 FIRST STREET	7/15/13	7/15/13	48100	73.80	73.80
GILROY				<b>196.80</b>	<b>196.80</b>
MI PUEBLO #8- CROWS LANDING RD	7/8/13	7/8/13	47907	286.95	286.95
1612 CROWS LANDING RD.				<b>286.95</b>	<b>286.95</b>
MODESTO					
MI PUEBLO#6- WATSONVILLE	7/1/13	7/1/13	47753	98.40	98.40
1437 FREEDOM BLVD.	7/1/13	7/1/13	47754	214.15	214.15
WATSONVILLE	7/8/13	7/8/13	47914	73.80	73.80
	7/15/13	7/15/13	48103	73.80	73.80
				<b>460.15</b>	<b>460.15</b>
MI PUEBLO #21 TRACY	7/8/13	7/8/13	MP-	72.00	72.00
3225 N. TRACY BLVD.	7/8/13	7/8/13	MP-1	111.38	111.38
TRACY	7/8/13	7/8/13	MP-2	147.60	147.60
				<b>330.98</b>	<b>330.98</b>

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	<b>Date</b>	<b>Date</b>		<b>Amount</b>	<b>Remaining</b>
MI PUEBLO-#2 MOUNTAIN VIEW 40 S RENGSTORFF AVE MOUNTAIN VIEW	7/12/13 7/19/13	7/12/13 7/19/13	48055 48279	147.60 98.40	147.60 98.40
				<u>246.00</u>	<u>246.00</u>
MI PUEBLO-#3 JULIAN 235 E JULIAN STREET SAN JOSE	7/10/13 7/17/13	7/10/13 7/17/13	47993 48207	73.80 73.80	73.80 73.80
				<u>147.60</u>	<u>147.60</u>
MI PUEBLO-#4 STORY ROAD 1745 STORY ROAD SAN JOSE	7/3/13 7/17/13	7/3/13 7/17/13	47847 48205	196.80 344.40	196.80 344.40
				<u>541.20</u>	<u>541.20</u>
MI PUEBLO-#5 SALINAS 950 E. ALISAL STREET SALINAS	7/1/13	7/1/13	47755	246.00	246.00
				<u>246.00</u>	<u>246.00</u>
MI PUEBLO-#11 HARDER 187 HARDER ROAD HAYWARD	7/5/13 7/11/13 7/18/13	7/5/13 7/11/13 7/18/13	47863 48002 48233	73.80 73.80 49.20	73.80 73.80 49.20
				<u>196.80</u>	<u>196.80</u>
MI PUEBLO-#13 VALLEJO 2107 SOLANO AVE VALLEJO	7/15/13	7/15/13	48118	98.40	98.40
				<u>98.40</u>	<u>98.40</u>
MI PUEBLO-#15 EAST PALO ALTO 1731 EAST BAYSHORE RD. EAST PALO ALTO	7/12/13 7/19/13	7/12/13 7/19/13	48053 48274	196.80 196.80	196.80 196.80
				<u>393.60</u>	<u>393.60</u>
MI PUEBLO-#18 MCLAUGHLIN AVE 515 MCLAUGHLIN AVE SAN JOSE	7/3/13 7/10/13 7/17/13	7/3/13 7/10/13 7/17/13	47844 47985 48204	73.80 73.80 98.40	73.80 73.80 98.40
				<u>246.00</u>	<u>246.00</u>
			<b>Total</b>	<b><u>13,105.74</u></b>	<b><u>13,105.74</u></b>